

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

S.E.B.M., a minor, by and through her next friend,
MARIA MENDEZ FELIPE,

Plaintiff,

No. 21-cv-00095-JHR-LF

v.

THE UNITED STATES OF AMERICA,

Defendant.

**STIPULATED MOTION TO HOLD ACTION
IN ABEYANCE FOR AN ADDITIONAL SIXTY (60) DAYS**

Plaintiff and Defendant United States of America, constituting all parties appearing in this action, through undersigned counsel of record hereby jointly move the Court for an Order holding this action in abeyance for an additional period of sixty (60) days. In support of this motion, the parties state the following:

1. Plaintiff S.E.B.M., a minor, brought this action pursuant to the Federal Tort Claims Act (“FTCA”) against Defendant United States of America, alleging that she suffered harm and injury as a result of, among other things, being separated from her father at the United States border when she was two years old.

2. The United States filed a Motion to Dismiss this action, asserting a lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1).

3. Prior to engaging in further briefing on the issues raised in this litigation, the parties sought a sixty-day stay to engage in settlement discussions to determine whether the matter could be resolved amicably at this stage of the proceedings. *See* Doc. 22.

4. The Court granted the motion on May 18, 2021. *See* Doc. 23.

5. The United States, along with a group of counsel who are coordinating negotiations on behalf of plaintiffs and claimants, is engaged in a nationwide effort to settle district court cases and pending administrative tort claims arising from the numerous family separations at the U.S./Mexico border that occurred during the prior administration. While significant progress has been made, due to the scale and complexity of the effort, additional time is needed to achieve a global resolution of these matters.

6. In order to facilitate these continuing settlement discussions, the parties respectfully move the Court for an Order holding this action, including all proceedings and case deadlines, in abeyance for an additional sixty (60) days. A proposed Order is submitted herewith.

7. Counsel for Plaintiff and the United States have conferred regarding this request and agreed to jointly move the Court to hold this action in abeyance for the time specified above.

Respectfully submitted this 8th day of July, 2021.

FRED J. FEDERICI
Acting United States Attorney

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